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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,057	06/26/2001	Roberto Alcantara Martins Zucchetti	32286R006	6856
441	7590	04/08/2005	EXAMINER	
SMITH, GAMBRELL & RUSSELL, LLP 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036			ART UNIT	PAPER NUMBER

DATE MAILED: 04/08/2005

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Note the attached form PTO-462 "Notification of Non-Compliant Appeal Brief (37 CFR 41.37).


Raymond J Henley III
Primary Examiner
Art Unit: 1614

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/786,057

Applicant(s)

ZUCCHETTI ET AL

Examiner

Raymond J. Henley III

Art Unit

1614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 22 February 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The Appeal Brief referenced above does not contain the proper headings and lacks certain sections as required under 37 CFR 41.37(c). The following changes should be made and incorporated in a new Appeal Brief which must be filed in the time period referenced above. At page 2 of the Brief, "(5) Summary of Invention" should be changed to read ---(5) Summary of Claimed Subject Matter---; at page 5 of the Brief, "(6) Issues" should be changed to read ---(6) Grounds of Rejection to be Reviewed on Appeal--- (note that under this heading, the section is no longer couched in terms of an issue, but rather of a simple statement of the ground of rejection, i.e., "Claims X to Y stand rejected under 35 U.S.C. 2" at page 11 of the Brief, "(8) Appendix" should be changed to read (8) ---Claims Appendix--- (necessary verbiage to distinguish this Appendix from the following Appendices); [the following two Appendices MUST be present under 37 CFR 41.37(c)] following page 14 of the Brief, sections entitled ---(9) Evidence Appendix--- and ---(10) Related Proceedings Appendix--- should be included [note, the "Evidence Appendix" should include any graphs, charts, publications, etc. that are relied on by Applicants].

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